

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

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|--------------------------------|---|------------------------------------|
| MELVIN DALE, | : | |
| | : | |
| Petitioner, | : | Case No.: 5:08-CV-363 (CAR) |
| | : | |
| v. | : | |
| | : | 28 U.S.C. § 2241 |
| STANLEY WILLIAMS and | : | Habeas Corpus Petition |
| U.S. BUREAU OF PRISONS, | : | |
| | : | |
| Respondents. | : | |

***ORDER ON THE UNITED STATES MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 18] to dismiss Petitioner Melvin Dale's petition for habeas corpus relief as premature and because this Court is without jurisdiction to provide the relief he seeks, namely credit for time served in the state prison system. Petitioner has filed an Objection [Doc. 19] to the Recommendation. In it, Petitioner, merely continues to reiterate his initial contentions that he is entitled to credit for his federal sentence for time he served in federal and state prison prior to his release. However, he fails to provide any legal authority authorizing this Court to provide such relief. Thus, this Court finds Petitioner's objections to be without merit and agrees with the Magistrate Judge that such relief can only be provided by the Federal Bureau of Prisons.

Having considered Petitioner's Objections and having investigated those matters *de novo*, however, this Court agrees with the findings and conclusions of the United States Magistrate Judge that the instant petition was prematurely filed and because this

Court is without jurisdiction to provide the relief he seeks. Therefore the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

SO ORDERED, this 31st day of July, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

AJK/SSH